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June 5, 2025

**By ECF**

Hon. Naomi Reice Buchwald  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Kane, et al. v. de Blasio, et al.  
No. 21-cv-7863 (NRB)

Dear Judge Buchwald:

I am an Assistant Corporation Counsel in the office of the Muriel Goode-Trufant, Corporation Counsel for the City of New York, attorney for the defendants, Bill de Blasio, David Chokshi, New York City Department of Education (“DOE”), and David C. Banks (collectively, “Defendants”), in the above-referenced action. Defendants respectfully write, in accord with Your Honor’s May 28, 2025 directive, to submit a letter outlining which of Plaintiffs’ claims raised in the Amended Complaint remain viable, and which claims have been dismissed. See ECF No. 184.

Only two as-applied claims remain: Plaintiffs Solon and Clark’s claims that Defendants violated their Free Exercise rights under the First Amendment. The Second Circuit upheld the dismissal of all other claims and Plaintiffs in this action. To be sure, in its Memorandum and Order dated August 26, 2022, this Court dismissed:

1. Plaintiffs’ claim that the COVID-19 vaccine mandate applicable to employees of the DOE (“Vaccine Mandate”) violated the Free Exercise Clause of the United States Constitution;
2. Plaintiffs’ claim that the Vaccine Mandate violated the Establishment Clause of the United States Constitution;
3. Plaintiffs’ claim that the Vaccine Mandate violated the Equal Protection Clause of the United States Constitution;

4. Plaintiffs' claims that their substantive and procedural due process rights were violated by the Vaccine Mandate; and,
5. Plaintiffs' claims that the Vaccine Mandate, as applied to them, was unconstitutional.

This Court also denied Plaintiffs' third request for a preliminary injunction enjoining enforcement of the Vaccine Mandate, and declined to exercise supplemental jurisdiction over Plaintiffs' state law claims. See ECF No. 224.

In its Amended Decision dated January 10, 2025, the United States Court of Appeals for the Second Circuit:

1. Dismissed as moot Plaintiffs' request to rescind the Vaccine Mandate;
2. Denied Plaintiffs' request for injunctive relief in the form of reinstatement and backpay;
3. Affirmed the District Court's dismissal of the Keil Plaintiffs' Free Exercise and Establishment Clause challenges to the Citywide Panel review process;
4. Affirmed the dismissal of the as-applied claims of all Plaintiffs with the exception of Plaintiffs Solon and Clark;
5. Vacated the dismissal of the as-applied claims brought by Plaintiffs Solon and Clark; and,
6. Remanded the as-applied claims of Plaintiffs Solon and Clark to the District Court for further proceeding, finding that Plaintiffs Solon and Clark plausibly pleaded a First Amendment claim in the Amended Complaint.

See ECF No. 224.

Accordingly, the only remaining viable claims in the Amended Complaint are those brought by Plaintiffs Solon and Clark, who allege that the denial of their reasonable accommodation requests for exemptions to the Vaccine Mandate violated their First Amendment rights.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Kathleen M. Linnane

Kathleen M. Linnane